

## **RESTITUTION: “Economic loss” defined .....Revised 3/2010**

A.R.S. § 13-603 directs the trial court to require a convicted person to make restitution to the victim “in the full amount of the economic loss as determined by the court.” Further, A.R.S. § 13-804(B) requires the court to consider “all losses caused by the criminal offense” for which the defendant has been convicted. Whenever a defendant is convicted of any offense causing economic loss, A.R.S. § 13-603(C) requires the trial court to order the defendant to pay *full* restitution to any victims for their economic loss. That subsection provides:

If a person is convicted of an offense, the court shall require the convicted person to make restitution to the person who is the victim of the crime or to the immediate family of the victim if the victim has died, in the full amount of the economic loss as determined by the court or the court’s designee pursuant to chapter 8 of this title. Restitution ordered pursuant to this subsection shall be paid to the clerk of the court for disbursement to the victim and is a criminal penalty for the purposes of a federal bankruptcy involving the person convicted of an offense.

“Economic loss” is defined in A.R.S. § 13-105(16) as “any loss incurred ... as a result of the commission of an offense,” including “lost earnings,” but specifically excludes “damages for pain and suffering, punitive damages,” and “consequential damages.” The definition of “economic loss” also specifically excludes any losses suffered by the defendant from his criminal conduct. A.R.S. § 13-105(16).